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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,448	03/04/2002	Yoshiyuki Suzuki	2002-0316A	3194

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EXAMINER

CAMPBELL, KELLY E

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,448

Applicant(s)

SUZUKI, YOSHIYUKI

Examiner

Kelly E Campbell

Art Unit

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

The preliminary amendment filed 3/04/02 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the axis" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation " ...a stopping-member provided with a groove, adapted to engage with the stopping projection, supported on the handle (3) for sliding along ...";

It is unclear from the claim language, whether or not the applicant refers to the "stopping member" as being supported on the handle, or the "stopping projection" being supported on the handle. For the purpose of examination, the examiner considers the stopping member to be supported by the handle.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakao et al (US 4,832,361).

Nakao et al teaches:

a stroller (A) including:

a body structure (1,2,4) adapted to be unfolded in an unfolded state for use and to be folded in a folded state, see Column 2, lines 36-44;

a handle (3) supported on the body structure (1,2,4) for forward and backward turning, see Abstract, and adapted to be set in either a backward-inclining position for a back-faced pushing mode or a forward-inclined position for a front-faced pushing mode, see Column 4, lines 20-23;

a handle locking mechanism (8,10,11) for locking the handle (3) in either a state for the back-faced pushing mode or a state for the front-faced pushing mode, see Column 6, lines 60-67;

wherein the body structure (1,2,4) can be folded and unfolded with the handle locked on the body structure in the state for the back-faced pushing-mode, see Column 7, lines 25-30,

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and the handle locking mechanism (8,10,11) includes a mechanism (11) that permits unlocking the handle (3) when the body structure is unfolded, see Column 7, lines 31-37;

and the handle locking mechanism (8,10,11) inhibits unlocking the handle (3) when the body structure is folded, until a user depresses the mechanism (11) to release the body structure (1,2,4), see Column 7, lines 60-68;

wherein the handle locking mechanism includes a stopping projection (32) formed on an outer surface of the body structure element (4), and a stopping-member (36) provided with a groove, see Figure 2;

the engagement hook plates or stopping members (36) supported on the handle (3) for sliding along the axis of the handle (3), see Column 4, lines 13-15; and the stopping member (36) biased in a locking direction to engage the stopping projection (32) in the groove (32) of the stopping member (36), see Figure 2;

the stopping projection (32) engaged in the groove of the stopping member (36) turns relative to stopping member (36) when a user rotates the body structure members (1,2,4) in order to change the condition of the stroller between folded to unfolded positions;

the position of engagement of the stopping projection (32) and the groove of the stopping member (36) changes according to an angular position of the stopping projection relative to the groove of the stopping member, when the user is in the process of moving the stroller elements between a backward inclined position, forward inclined position and a folded or unfolded state, see Figure 2;

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an operating device (11) held on the handle (3), and a connecting member (10) extending along the handle (3) and having one end connected to the stopping member (36) and the other end connected to the operating device (11), see Column 7, lines 19-41.

Allowable Subject Matter

Claims 3-4 and 6-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose a stopping projection having a shaft part extending in a direction parallel to an axis of the handle when the stopping projection is in a first position when the body structure is in the unfolded state, and the shaft part extending in a direction perpendicular to the axis of the handle when the stopping projection is in a second position when the body structure is in the folded state.

A combination of these and other limitations have not been reasonable found in the prior art.

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Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kassai (US 4,779,879) teaches a stroller changeable between a face-to-face push mode and a back-to-face push mode. Cone et al (US 5,257,799) teaches a foldable stroller having a hub or locking means for collapsing the stroller assembly. Wang (US 5,056,805) teaches a stroller having a handle moveable to change the position from which a stroller is pushed. Huang (US 5,845,924) discloses a stroller having a multi-step folding mechanism.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E Campbell whose telephone number is (703) 605-4264. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


KEC
August 4, 2003


BRIAN L JOHNSON
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8/7/03